



Rep. Angelo Saviano

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09400HB3187ham002

LRB094 07405 MKM 45054 a

1 AMENDMENT TO HOUSE BILL 3187

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3187 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Township Code is amended by changing  
5 Section 30-50 as follows:

6 (60 ILCS 1/30-50)

7 Sec. 30-50. Purchase and use of property.

8 (a) The electors may make all orders for the purchase,  
9 sale, conveyance, regulation, or use of the township's  
10 corporate property (including the direct sale of single  
11 township road district property) that may be deemed conducive  
12 to the interests of its inhabitants, including the lease, for  
13 up to 10 years at fair market value or for up to 40 years at  
14 fair market value if the property is less than one quarter of  
15 an acre in size, of corporate property for which no use or need  
16 during the lease period is anticipated at the time of leasing.  
17 The property may be leased to another governmental body,  
18 however, or to a not-for-profit corporation that has contracted  
19 to construct or fund the construction of a structure or  
20 improvement upon the real estate owned by the township and that  
21 has contracted with the township to allow the township to use  
22 at least a portion of the structure or improvement to be  
23 constructed upon the real estate leased and not otherwise used  
24 by the township, for any term not exceeding 50 years and for

1 any consideration. In the case of a not-for-profit corporation,  
2 the township shall hold a public hearing on the proposed lease.  
3 The township clerk shall give notice of the hearing by  
4 publication in a newspaper published in the township, or in a  
5 newspaper published in the county and having general  
6 circulation in the township if no newspaper is published in the  
7 township, and by posting notices in at least 5 public places at  
8 least 10 days before the public hearing.

9 (b) If a new tax is to be levied or an existing tax rate is  
10 to be increased above the statutory limits for the purchase of  
11 the property, however, no action otherwise authorized in  
12 subsection (a) shall be taken unless a petition signed by at  
13 least 10% of the registered voters residing in the township is  
14 presented to the township clerk. If a petition is presented to  
15 the township clerk, the clerk shall order a referendum on the  
16 proposition. The referendum shall be held at the next annual or  
17 special township meeting or at an election in accordance with  
18 the general election law. If the referendum is ordered to be  
19 held at the township meeting, the township clerk shall give  
20 notice that at the next annual or special township meeting the  
21 proposition shall be voted upon. The notice shall set forth the  
22 proposition and shall be given by publication in a newspaper  
23 published in the township. If there is no newspaper published  
24 in the township, the notice shall be published in a newspaper  
25 published in the county and having general circulation in the  
26 township. Notice also shall be given by posting notices in at  
27 least 5 public places at least 10 days before the township  
28 meeting. If the referendum is ordered to be held at an  
29 election, the township clerk shall certify that proposition to  
30 the proper election officials, who shall submit the proposition  
31 at an election. The proposition shall be submitted in  
32 accordance with the general election law.

33 (c) If the leased property is utilized in part for private  
34 use and in part for public use, those portions of the

1 improvements devoted to private use are fully taxable. The land  
2 is exempt from taxation to the extent that the uses on the land  
3 are public and taxable to the extent that the uses are private.

4 (d) Before the township makes a lease or sale of township  
5 or road district real or personal property, unless the personal  
6 property has a sale value of \$2,500 or less, the electors shall  
7 adopt a resolution stating the intent to lease or sell the real  
8 or personal property, describing the property in full, and  
9 stating the terms and conditions the electors deem necessary  
10 and desirable for the lease or sale. A resolution stating the  
11 intent to sell real property shall also contain pertinent  
12 information concerning the size, use, and zoning of the  
13 property. The value of real property shall be determined by a  
14 State licensed real estate appraiser. The appraisal shall be  
15 available for public inspection. The resolution may direct the  
16 sale to be conducted by the staff of the township or by listing  
17 with local licensed real estate agencies (in which case the  
18 terms of the agent's compensation shall be included in the  
19 resolution).

20 When a township sells township or road district personal  
21 property valued for sale at \$2,500 or less, the electors are  
22 not required to adopt a resolution. Prior to the sale, the  
23 clerk shall prepare a notice stating the intent of the township  
24 or road district to sell personal property with a sale value of  
25 \$2,500 or less and describing the property in full.

26 The clerk shall thereafter publish the resolution or  
27 personal property sale notice once in a newspaper published in  
28 the township or, if no newspaper is published in the township,  
29 in a newspaper generally circulated in the township. If no  
30 newspaper is generally circulated in the township, the clerk  
31 shall post the resolution or personal property sale notice in 5  
32 of the most public places in the township. In addition to the  
33 foregoing publication requirements, the clerk shall post the  
34 resolution or personal property sale notice at the office of

1 the township (if township property is involved) or at the  
2 office of the road district (if road district property is  
3 involved). The following information shall be published or  
4 posted with the resolution or personal property sale notice:

5 (i) the date by which all bids must be received by the township  
6 or road district, which shall not be less than 30 days after  
7 the date of publication or posting, and (ii) the place, time,  
8 and date at which bids shall be opened, which shall be at a  
9 regular meeting of the township board.

10 All bids shall be opened by the clerk (or someone duly  
11 appointed to act for the clerk) at the regular meeting of the  
12 township board described in the notice. With respect to  
13 township personal property, except personal property valued  
14 for sale at \$2,500 or less, the township board may accept the  
15 high bid or any other bid determined to be in the best  
16 interests of the township by a majority vote of the board. With  
17 respect to township real property, the township board may  
18 accept the high bid or any other bid determined to be in the  
19 best interests of the township by a vote of three-fourths of  
20 the township board then holding office, but in no event at a  
21 price less than 80% of the appraised value. With respect to  
22 road district property, except personal property valued for  
23 sale at \$2,500 or less, the highway commissioner may accept the  
24 high bid or any other bid determined to be in the best  
25 interests of the road district. In each case, the township  
26 board or commissioner may reject any and all bids. With respect  
27 to township or road district personal property valued for sale  
28 at \$2,500 or less, the clerk shall accept at least 2 bids and  
29 the township board or highway commissioner shall accept the  
30 highest bid. This notice and competitive bidding procedure  
31 shall not be followed when property is leased to another  
32 governmental body. The notice and competitive bidding  
33 procedure shall not be followed when property is declared  
34 surplus by the electors and sold to another governmental body.

1           (e) A trade-in of machinery or equipment on new or  
2 different machinery or equipment does not constitute the sale  
3 of township or road district property.

4           (Source: P.A. 93-424, eff. 8-5-03.)

5           Section 99. Effective date. This Act takes effect upon  
6 becoming law.".